

**R623. Lieutenant Governor, Elections.**

**R623-4. Electronic Signatures In Initiatives and Referenda.**

**R623-4-1. Purpose.**

The purpose of this rule is to provide a framework by which those seeking to qualify a statewide initiative or referendum for the ballot may submit electronic signatures to comply with the signature requirements contained in the Elections Code. The Rule is intended to maintain the statutory precautions and provisions in the initiative or referendum statutes protecting against fraud and mistake and providing for accountability in the use of electronic signatures.

**R623-4-2. Authority.**

Authority for the adoption of this Rule is Utah Constitution Article VII, Sections 1 and 14, Utah Code Subsection 67-1a-2(2)(a)(i) and (ii), Section 46-4-501, Section 63G-3-201, and Section 63G-3-304.

**R623-4-3. Definitions.**

"Electronic Record" and "Electronic Signature" have the same meaning as in the Utah Uniform Electronic Transactions Act, Utah Code Section 46-4-102.

**R623-4-4. Application of the Rule.**

This rule applies to and governs the use or recognition of an electronic signature in the initiative and referenda process by the Lieutenant Governor's Office and his staff. It is also applicable to and governs the use, recognition, or allowance of electronic signatures in the initiative and referendum process by county clerks in statewide initiatives and referenda.

**R623-4-5. Policy of the Rule.**

It is the policy of this rule to allow the use and recognition of electronic signatures in initiatives and referenda to the extent that this can be done while maintaining the Legislature's recognized precautions to protect against fraud or mistake in the signature gathering process.

**R623-4-6. Authorization to Use Electronic Signatures in Initiative and Referenda.**

In order to preserve the integrity, security and auditability of the signature gathering process while using electronic signatures, and to maintain the Legislature's precautions and provisions to protect against fraud and mistake in that process, electronic signatures are authorized to be used and counted in initiatives and referenda if the processes for gathering electronic signatures meet the following standards:

1. For electronic signatures gathered after this Rule takes effect, the Lieutenant Governor shall have authorized the creation of electronic packets and assigned a range of unique numbers to be applied to those packets prior to their circulation, execution, or signing, Utah Code Subsection 20A-7-204(5);

2. Communication and an exchange of information shall have occurred between the sponsor and any proposed circulator sufficient for the sponsor to satisfy his duty that the individual is of 18 years of age and a resident of the State of Utah, Utah Code Subsection 20A-7-205(2);

3. The circulator shall have circulated the petition to other legal voters, Utah Code Section 20A-7-203, Subsection 20A-7-101(3);

4. The person electronically signing the petition shall have done so in the circulator's presence, Utah Code Subsection 20A-7-203(3); and

5. The person signing the petition under Utah Code Subsection 20A-7-203(1) is a different person than the one signing under Subsection 20A-7-203(3) verifying that the persons who signed the packet did so in his or her presence.

**R623-4-7. Effective Date.**

This rule is effective immediately. In order to ensure that electronic signatures may be recognized and counted and avoid imminent peril to the public welfare and comply with state law, the Lieutenant Governor has determined that there is a need for immediate implementation of this Rule.

The Lieutenant Governor will publish this Interim Rule and will solicit public comment on its provisions for thirty days. The Lieutenant Governor will review those comments to determine if a public hearing on the rule is necessary and whether any changes need to be made. He will then finalize its provisions.

**KEY: electronic signatures, statewide initiatives and referenda, ballot propositions, petitions**

**Date of Enactment or Last Substantive Amendment: July 8, 2010**

**Authorizing, and Implemented or Interpreted Law: Article VII, Sections 1 and 14; 46-4-102; 46-4-501; 20A-7-201 through 20A-7-214; 67-1a-2(2)(a)(i); 63G-3-201; 63G-3-304; Anderson v. Bell, 2010 UT 47**